

Senate Bill 334

By: Senators Zamarripa of the 36th, Reed of the 35th, Tate of the 38th and Fort of the 39th

AS PASSED

AN ACT

To amend the "Atlanta Urban Enterprise Zone Act," approved March 24, 1988 (Ga. L. 1988, p. 4164), as amended, particularly by an Act approved April 20, 1998 (Ga. L. 1998, p. 4493), so as to change criteria for the designation of urban enterprise zones; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The "Atlanta Urban Enterprise Zone Act," approved March 24, 1988 (Ga. L. 1988, p. 4164), as amended, particularly by an Act approved April 20, 1998 (Ga. L. 1998, p. 4493), is amended by striking Section 5, which reads as follows:

"SECTION 5.

(a) In order to be designated as an enterprise zone, a nominated area shall meet at least three of the four criteria specified in subsections (b), (c), (d), and (e) of this section. In determining whether an area suffers from poverty, unemployment, or general distress, the governing body shall use data from the most current United States decennial census and from other information published by the Federal Bureau of the Census, the Federal Bureau of Labor Statistics, and the Georgia Department of Labor. In determining whether an area suffers from underdevelopment, the governing body shall use the data specified in subsection (e) of this Code section. The data shall be comparable in point or period of time and methodology employed.

(b) Pervasive poverty shall be evidenced by showing that poverty is widespread throughout the nominated area and shall be established by using the following criteria:

(1) The poverty rate shall be determined from the data in Table P121 contained in Census of Population and Housing, 1990: Summary Tape File 3A, on CD-ROM (Georgia), prepared by the U.S. Bureau of Census (1992);

- (2) For each census geographic block group within the nominated area, the ratio of income to poverty level for at least 20 percent of the residents shall be less than 1.0;
 - (3) In at least 50 percent of the census geographic block groups within the nominated area, the ratio of income to poverty level for at least 30 percent of the residents shall be less than 1.0;
 - (4) Census geographic block groups with no population shall be treated as having a poverty rate which meets the standards of paragraph (2) of this subsection but shall be treated as having a zero poverty rate for the purpose of applying paragraph (3) of this subsection; and
 - (5) All parcels of a nominated area must abut and may not contain a noncontiguous parcel, unless such nonabutting parcel qualifies separately under the criteria set forth under paragraphs (2) and (3) of this subsection.
- (c) Unemployment shall be evidenced by the use of data published by the Office of Labor Information Systems of the Georgia Department of Labor indicating that the average rate of unemployment for the nominated area for the preceding calendar year is at least 10 percent higher than the average rate of unemployment for the state or by evidence of adverse economic conditions brought about by significant job dislocation within the nominated area such as the closing of a manufacturing plant or federal facility.
- (d) General distress shall be evidenced by adverse conditions within the nominated area other than those of pervasive poverty and unemployment. Examples of such adverse conditions include, but are not limited to, a high incidence of crime, abandoned or dilapidated structures, deteriorated infrastructure, and substantial population decline.
- (e) Underdevelopment shall be evidenced by data indicating development activities, or the lack thereof, through land disturbance permits, business license fees, building permits, development fees, or other similar data indicating that the level of development in the nominated area is at least 20 percent lower than development activity within the local governing body's jurisdiction.
- (f) An existing commercial, industrial, residential, mixed-use commercial and industrial, or mixed-use residential and commercial purposes zone may be amended to add additional land to the zone, provided that:
- (1) The area to be added complies with the requirements of subsection (a) of this section;
 - and

(2) Notwithstanding the date of expansion of the existing zone, the schedule of abatements for the area added to the existing zone shall coincide with the schedule of abatements for the existing zone."

And inserting in its place thereof the following:

"SECTION 5.

(a) Two types of geographic methods may be used for determining whether a nominated property or area is eligible for urban enterprise zone designation within the Atlanta City Limits: 1) the 'automatic eligibility method'; and 2) the 'site-specific eligibility method.' The 'automatic eligibility method' shall consist of first verifying that a nominated property or area is not located within an approved tax allocation district, then identifying the geographic boundaries of said nominated property or area as being located within one of the six commercial corridors that are listed below, which were identified as being 'EDP Priority Areas' by the City of Atlanta's adopted 'New Century Economic Development Plan—Version Zero.Five (0.5)' (August 2004), and whose geographic boundaries are delineated by the attached map comprising Exhibit 'A,' which was prepared by the City of Atlanta Bureau of Planning in December 2004. Any subsequent modifications to the map representing the geographic boundaries of these EDP Priority Areas, any name changes, or any subsequent creation of separate maps delineating the boundaries of each individual EDP Priority Area, shall, for legal and operational purposes, replace or be used in addition to the attached map, and shall not require an amendment to this Act. However, any deletions of entire EDP Priority Areas, or additions of new ones, shall, in fact, require an amendment to this Act. To eliminate possible complications in calculating tax abatements that a property owner of an approved enterprise zone may be entitled to, under the automatic eligibility method, a nominated property or area must be completely, rather than partially, located within the boundaries of one of the six identified EDP Priority Areas.

'EDP Priority Areas' Which Shall Be Automatically Eligible For Urban Enterprise Zone Designation:

1. Donald Lee Hollowell Parkway.
2. Simpson Road.
3. Campbellton Road.
4. Memorial Drive.
5. Jonesboro Road.

6. 'Stadium Neighborhoods' (consisting of several neighborhoods south of Downtown Atlanta).

(b) The 'site-specific eligibility method' shall require a nominated property or site to meet at least three of five possible locational criteria that are specified in subsections (c), (d), (e), (f), and (g) of this section. In determining whether an area suffers from poverty or unemployment, the governing body shall use data from the most current United States decennial census and from other information published by the Federal Bureau of the Census, the Federal Bureau of Labor Statistics, and the Georgia Department of Labor. In determining whether an area suffers from general distress or underdevelopment, the governing body shall use the data that are specified in subsection (f) of this Code section. The data shall be comparable in point or period of time, as well as the methodology that is utilized.

(c) The first locational criterion to be met under the site-specific eligibility method shall be 'pervasive poverty.' Pervasive poverty shall be evidenced by showing that poverty is widespread throughout the nominated area and shall be established by using the following criteria:

(1) The poverty rate shall be determined from the data on poverty contained in Census of Population and Housing, 2000: on CD-ROM (Georgia), prepared by the U.S. Bureau of Census;

(2) For each census geographic block group within the nominated area, the ratio of income to poverty level for at least 20 percent of the residents shall be less than 1.0;

(3) In at least 50 percent of the census geographic block groups within the nominated area, the ratio of income to poverty level for at least 30 percent of the residents shall be less than 1.0;

(4) Census geographic block groups with no population shall be treated as having a poverty rate which meets the standards of paragraph (2) of this subsection but shall be treated as having a zero poverty rate for the purpose of applying paragraph (3) of this subsection; and

(5) All parcels of a nominated area must abut and may not contain a noncontiguous parcel, unless such nonabutting parcel qualifies separately under the criteria set forth under paragraphs (2) and (3) of this subsection.

(d) The second locational criterion to be met under the site-specific eligibility method shall be 'unemployment.' Unemployment shall be evidenced by the use of data published by the Office of Labor Information Systems of the Georgia Department of Labor indicating that the average rate of unemployment for the nominated area for the preceding calendar year is at

least year 10 percent higher than the average rate of unemployment for this state or by evidence of adverse economic conditions brought about by significant job dislocation within the nominated area such as the closing of a manufacturing plant or federal facility.

(e) The third locational criterion to be met under the site-specific eligibility method shall be 'general distress.' General distress shall be evidenced by adverse conditions within the nominated area other than those of pervasive poverty and unemployment. Examples of such adverse conditions include, but are not limited to, a high incidence of crime, abandoned or dilapidated structures, deteriorated infrastructure, and substantial population decline.

(f) The fourth locational criterion to be met under the site-specific eligibility method shall be 'underdevelopment.' Underdevelopment shall be evidenced by data indicating development activities, or the lack thereof, through land disturbance permits, business license fees, building permits, development fees, or other similar data indicating that the level of development in the nominated area is at least 20 percent lower than development activity within the local governing body's jurisdiction.

(g) The fifth locational criterion to be met under the site-specific eligibility method shall be 'general blight.' General blight shall be evidenced by data indicating that a nominated property or area is located within the boundaries of an identified urban redevelopment area, for which an urban redevelopment plan has been officially adopted by the affected governing body.

(h) The fact that a nominated property or area has been determined to meet the tests of urban enterprise zone eligibility by either of the two methods that are described above does not, in itself, grant or convey urban enterprise zone designation upon said nominated property or area. Rather, an ordinance to award urban enterprise zone designation to a nominated property or area must be officially introduced and adopted by the Atlanta City Council after an applicant has formally applied for urban enterprise zone designation through the Bureau of Planning.

(i) An existing commercial, industrial, residential, mixed-use commercial and industrial, or mixed-use residential and commercial purposes zone may be amended to add additional land to the zone, provided that:

(1) The area to be added complies with the requirements of subsection (a) of this section; and

(2) Notwithstanding the date of expansion of the existing zone, the schedule of abatements for the area added to the existing zone shall coincide with the schedule of abatements for the existing zone.

(j) The city shall, on at least a quarterly basis, provide a report to the members of the General Assembly whose districts are wholly or partially located within the City of Atlanta. The report shall contain information concerning the status of any areas designated as enterprise zones pursuant to this section."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.